(1) (3) (3)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. No. 264 /2005

IN FIRST APPEAL No. 88 / 2005
(Dissmissed for want of appearance on 09/11/2005)

APPLICANTS / APPELLANTS / DEFENDANTS : 1. M/s Munna Lal Kesharichand Through Keshari Chand, Near Mahaveer School, Gudiyari Raipur, C.G.

2. Keshari Chand, Aged about 50 years, S/o Sonraj, Proprietor Munna Lal Keshari Chand, Besides Mahaveer School, Gudiyari Raipur, Present Address Village Nawagarh, Tehsil Bemetara, District Durg, C.G.

P.R. No. 3115/05
Presented by Shri Sanjay Sahu
dated 09/12/05

VERSUS

NON-APPLICANT / RESPONDENT / PLAINTIFF : Pukhraj Bafna, S/o Hastimal, Aged about 75 years , R/o Nagar Nigam Colony Raipur, C.G.

APPLICATION UNDER ORDER 41 RULE 19 OF THE CIVIL PROCEDURE CODE FOR RE-ADMISSION / RESTORATION OF THE CASE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(10)

आदेश पत्रक

M.C.C. No. 264/05

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

9-1-2006

Mr. Satyendra Sahu, counsel for applicants.

Learned counsel for the applicants prays that on 9-11-2005 opposite party was also absent, therefore, for disposal of this miscellaneous case no notice is required to be served on non-applicant, therefore, his application may be heard and decided finally.

Considered. Prayer allowed.

Heard.

On 9-11-2005, when First Appeal No.88/2005 was called, none appeared for the parties, therefore, the appeal was dismissed for want of appearance of the appellants. Appellants for restoration of the appeal on the ground that due to oversight counsel for the appellants could not note the date of the case, therefore, failed to attend the Court and due to bona fide mistake of the counsel for the appellants which inadvertently occurred, the appeal has been dismissed, therefore, it may be restored.

Taking into consideration that the ground mentioned in the application is duly supported with the affidavit and is sufficient for restoration, therefore, the application is allowed and First Appeal No.88/2005 is restored to its own number. Accordingly, M.C.C.No.264/2005 stands disposed of.

Sd/-
V.K.Shrivastava
Judge

[पीछे देखिये

20/1/06